

STATE OF FLORIDA

COMMISSIONERS:
LILA A. JABER, CHAIRMAN
J. TERRY DEASON
BRAULIO L. BAEZ
MICHAEL A. PALECKI
RUDOLPH "RUDY" BRADLEY



TIMOTHY DEVLIN, DIRECTOR
DIVISION OF ECONOMIC REGULATION
(850) 413-6900

ORIGINAL

Public Service Commission

December 4, 2002

Mr. Arthur A. Rogow
Colony Park Utilities, Inc.
8116 Hibiscus Circle
Tamarac, Florida 33321

Re: Docket No. 020930-SU Application for Transfer of Majority Organizational Control of Colony Park Utilities, Inc., holder of Certificate No. 137-S in Brevard County, from Lenore Warren to Eileen Rogow

Dear Mr. Rogow:

Your response to the September 23, 2002, deficiency letter has been received and reviewed. Most of the items listed in the original letter are still deficient. This letter is a follow up to the review and discussion with you concerning deficiencies which need to be cured and additional clarifications or corrections necessary to process the application.

Deficiencies

1. Tariff Sheets. Pursuant to Rule 25-30.037(2)(j), F.A.C., the application is to contain an original and two copies of sample tariff sheets reflecting the change in ownership. A few tariff sheets were provided with the application, but did not reflect a change in ownership. With the change in ownership it would appear that neither Howard nor Lenore Warren would be authorized to issue a tariff on behalf of the utility. Please provide the original and two copies of the whole tariff reflecting the name of the appropriate person authorized to issue the tariff for the wastewater utility. A copy of the model wastewater tariff was previously provided on floppy disk and by email.

AUS _____
CAF _____
CMP _____
COM _____
CTR _____
ECR _____
GCL _____
OPC _____
MMS _____
SEC 12
OTH _____

Transfer without prior Commission approval. Pursuant to Section 367.071, Florida Statutes, no transfer is to take place without prior Commission approval. This section allows for transfer prior to commission approval if the contract for sale, assignment, or transfer is made contingent upon commission approval. A review of the Contract for Sale and Purchase did not reveal such a contingency statement. Please provide either an addendum to the Contract for Sale and Purchase containing the required contingency statement or an explanation as to why the transfer took place without prior Commission approval.

DOCUMENT DATE
13234 DEC-4-02
FPSC-COMMISSION CLERK

Mr. Arthur A. Rogow
Page 2
December 4, 2002

Additional Information

1. Provide a readable copy of contract. The copy of the Contract for Sale and Purchase of the stock of Colony Park Utilities, Inc., provided in the application for the transfer of majority organizational control is not legible. Please provide a more legible copy of the contract.
2. DEP Consent Order. According to the February 28, 2002, closing statement, the seller's closing costs included an escrow payment for a DEP consent order. If the consent order pertains to the Colony Park Utilities, Inc., please provide information regarding the consent order.
3. Other Owned Water and/or Wastewater Utilities. The application stated that there were two other utilities owned by the buyer located in Auborndale and Hobe Sound. The Public Service Commission has jurisdiction within these two areas, but no information could be found regarding these two utilities without the actual utility name or certificate number. You were previously asked to provide additional information as to whether these systems are exempt from Commission regulation; however, your response did not address the issue. Please provide, by utility, the capacity of the water and/or wastewater system, the method of billing, and how long the utility has been in existence.

The original and four copies of the response to the information requested in this letter should be filed with the Commission on or before **January 3, 2003**. When filing the response, please be sure to refer to the docket number and to direct the response to:

Division of Commission Clerk and Administrative Services
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

Should you have any questions concerning the information in this letter, please contact Stephanie Clapp, of my staff, at 850-413-6997.

Sincerely,



Patti Daniel,
Supervisor of Certification

PD/sc

cc: Office of the General Counsel (Crosby)
Division of Commission Clerk and Administrative Services
Robert J. Warren, Esquire